

1

ORDINANCE NO. 91-28

2 AN ORDINANCE OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN
3 AS THE ENVIRONMENTALLY SENSITIVE LANDS CHARTER AMENDMENT
4 ORDINANCE; PROVIDING FOR TITLE; PROVIDING FOR ADOPTION OF
5 AMENDMENT TO CHARTER SUBJECT TO APPROVAL OF A MAJORITY OF
6 THE ELECTORS OF PALM BEACH COUNTY IN A REFERENDUM;
7 PROVIDING FOR A COUNTY-WIDE ORDINANCE WHICH SHALL PREVAIL
8 OVER MUNICIPAL ORDINANCES WHICH ARE LESS STRINGENT THAN
9 THE COUNTY ORDINANCE RELATING TO THE REGULATION,
10 PROTECTION, PRESERVATION, AND ACQUISITION OF
11 ENVIRONMENTALLY SENSITIVE LANDS IN PALM BEACH COUNTY;
12 PROVIDING FOR A MARCH 10, 1992 REFERENDUM DATE;
13 PROVIDING FOR BALLOT LANGUAGE AUTHORIZING LEGAL
14 ADVERTISEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR
15 INCLUSION IN THE CHARTER; PROVIDING FOR AN EFFECTIVE
16 DATE; AND PROVIDING FOR REPEAL OF ORDINANCE NO. 91-2.

17 WHEREAS, the Home Rule Charter of Palm Beach County, Florida,
18 was approved by a majority of the electors of Palm Beach County at
19 the general election held November 6, 1984; and

20 WHEREAS, Section 6.3 of the Charter was approved by a majority
21 of the electors at the general election held November 4, 1986, and
22 became effective January 1, 1987; and

23 WHEREAS, Section 6.3 of the Charter provides that amendments
24 to the Charter may be proposed by the Board of County
25 Commissioners, or by initiative, subject to approval of the
26 electors of Palm Beach County in a referendum; and

27 WHEREAS, the Board of County Commissioners, has proposed
28 charter amendments intended to provide protection and preservation
29 of environmentally sensitive lands in Palm Beach County; and,

30 WHEREAS, adoption of this Ordinance will allow the electors of
31 Palm Beach County to adopt or reject the proposed charter
32 amendments at a referendum to be held March 10, 1992.

33 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
34 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

35 Section 1. Title

36 This Ordinance may be cited as the "Environmentally Sensitive
37 Lands Charter Amendment Ordinance".

38 Section 2. Adoption of Charter Amendment

39 Subject to the approval of a majority of the qualified
40 electors of Palm Beach County voting in the referendum provided for

1 herein, Sections 1.3(5) is created to read, and 3.3 of the Home
2 Rule Charter of Palm Beach County is amended to read, respectively,
3 as follows:

4 **TITLE**

5 **Sec. 1.3. Scope of county ordinances; conflict with**
6 **municipal ordinances.**

7 Municipal ordinances shall prevail over County ordinances to
8 the extent of any conflict regardless of the time of passage
9 of the municipal ordinance, except that County ordinances
10 shall prevail over conflicting municipal ordinances:

11 **(5) In matters relating to the regulation, protection,**
12 **preservation and acquisition of environmentally sensitive**
13 **lands in Palm Beach County within the parameters set**
14 **forth in Section 3.3 of this Charter.**

15 **Sec. 3.3. Protection of Health, Safety and Welfare.**

16 It shall be the policy of the county to protect the
17 health, safety and general welfare of all of the
18 residents of Palm Beach County. The board of county
19 commissioners may adopt appropriate ordinances to
20 accomplish these purposes, including a county-wide
21 ordinance relating to the protection of wells and
22 wellfields by providing criteria for regulating and
23 prohibiting the use, handling, production and storage of
24 certain deleterious substances which may impair present
25 and future public potable water supply wells and
26 wellfields, **and a county-wide ordinance relating to the**
27 **regulation, protection, preservation and acquisition of**
28 **environmentally sensitive lands in Palm Beach County.**

29 **Section 3. Referendum**

30 Pursuant to the applicable provisions of Chapters 100 and 125,
31 Florida Statutes, a referendum is hereby called and shall be held
32 on March 10, 1992, at which time there shall be submitted to the
33 electors of Palm Beach County, Florida, the following question:

34 **CHARTER AMENDMENT PROVIDING FOR POWER TO ADOPT COUNTY-**
35 **WIDE ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE:**

36 "Shall there be an amendment to the Palm Beach County
37 Charter providing that the Palm Beach County Board of
38 County Commissioners may adopt a county-wide ordinance
39 relating to the regulation, protection, preservation and
40 potential acquisition of environmentally sensitive lands
41 in the County, which ordinance shall prevail over
42 municipal ordinances which are less stringent than the
43 County ordinance dealing with the same subject matter?"

44 _____ Yes

45 _____ No

1 Section 4. Notice

2 The Clerk of the Board of County Commissioners shall publish
3 notice of the referendum in the manner required by Section 100.342,
4 Florida Statutes.

5 Section 5. Severability

6 If any section, paragraph, sentence, clause, phrase or word of
7 this Ordinance is for any reason held by a court to be
8 unconstitutional, inoperative or void, such holding shall not
9 affect the remainder of this Ordinance.

10 Section 6. Inclusion in the Charter

11 The provisions of this charter amendment hereby approved shall
12 become and be made a part of the Charter of Palm Beach County,
13 Florida. The articles or sections of this Charter Amendment
14 Ordinance may be renumbered or relettered to accomplish such and
15 the word "amendment" may be changed to "section", "article" or any
16 other appropriate word.

17 Section 7. Effective Date of Charter Amendment

18 The charter amendment shall become law only if approved by a
19 majority of the qualified electors of Palm Beach County voting on
20 the question posed at the March 10, 1992 referendum and upon
21 completion of any official acts necessary to approve the referendum
22 results.

23 Section 8. Effective Date and Repeal of this Ordinance

24 The provisions of this ordinance shall become effective upon
25 receipt of acknowledgement by the Secretary of State. If a
26 majority of those voting on the referendum question do not approve,
27 this ordinance shall be deemed repealed effective March 31, 1992.

28 Section 9. Repeal of Ordinance No. 91-2

29 This Ordinance expressly repeals and supersedes Palm Beach
30 County Ordinance No. 91-2.

1 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
2 Beach County on the 16 day of July,
3 1991.

4 ATTEST:
5

6 JOHN B. DUNKLE, CLERK
7 By Karen E. Hanan
8 Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA

By: Joe Moran
Chair

9 APPROVED AS TO FORM
10 AND LEGAL SUFFICIENCY
11 Mark J. Dinkle
12 County Attorney

13 Acknowledgement by the Department of State of the State of
14 Florida, on this, the 22nd day of July, 1991.

15 EFFECTIVE DATE: Acknowledgement from the Department of State
16 received on the 25th day of July, 1991, at 10:38
17 am., and filed in the Office of the Clerk of the Board of County
18 Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 7/30/91
DATED at West Palm Beach, FL on 7/30/91
JOHN B. DUNKLE, Clerk
By: John B. DUNKLE DBC
Deputy Clerk